Chapter 1.1.1: Introduction to Medical Ethics

Intended Learning Outcome

- To Introduction and Define Medical Ethics
- To discuss the Basic Islamic Concepts and Terminology: Quran, Sunnah and Hadith, Ijtihad, Al-Mazahib, Islamic Laws (Sharia) and Religious Rulings (Fatwa), Scale of Acts Permissibility in Islam.
- To discuss the Scope of Ethics in Medical Practice
- To recognise in short, the theories and basic principles of Medical Ethics: Beneficence, Non-Maleficence, Autonomy, Truth telling, Confidentiality, Preservation of Life, Justice.

Learning Questions:

1. How can you define Medical Ethics?
2. What are the Basic Islamic concepts and Terminologies in ethics?
3. What is the scope of Medical Ethics in Medical Practice?
4. What are the theories and basic principles of Medical Ethics applicable in current scenario?
(A) Medical Profession Ethics and Regulations

**Professional ethics** are the guidelines derived from the values and principles concerned with the modalities of proper conduct when practicing profession.

**Professional regulations** are the rules and legislations that regulate the practice of healthcare professionals. Breach of these regulations may lead to disciplinary acts which consequently make them similar to the laws of the land.

Accordingly, professional ethics clarify what ought to be done by the practitioner while regulations determine what should be done by the practitioner.

**Healthcare practitioner** is a qualified person who directly provides or helps in providing healthcare to patients, whether in the form of diagnostic, curative, or rehabilitative services that affect health condition.

It should be highlighted that the duty of all healthcare practitioners is to comply with the system of practicing healthcare profession and its executive regulations issued by the Royal Decree (R. No. (M/59), dated 4/11/1426H) based on the Ministers’ Council (R.No. 276, dated 3/11/1427H) which were issued by the Minister of Health (R. No. 39644/1/12, dated 14/5/1427H). It is also worth noting that the executive regulations specified the following: “Enact the guidelines of healthcare professional ethics and other guidelines that are endorsed by the Commission for healthcare practitioners”. Therefore, the commitment to follow these guidelines is considered a commitment to the system of practicing healthcare profession in Saudi Arabia.

(B) Honour of the Healthcare Professions

Islam has made the preservation and conservation of human life rank second after preservation of religion. Thus, Islam has prohibited killing a human being except for mandated legal retribution (Qasas), and has forbidden assault on human beings. Allah SWT has said “Because of that, We decreed upon the children of Israel that whoever kills a soul unless for a soul or for corruption done in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely.” (Al-Ma’idah, 5:32)

The healthcare profession has become one of the noblest professions because it is related to human soul, health and life preservation which is the most precious thing. As a result, healthcare practitioners are entrusted with patients’ secrets and most private matters.
Scholars unanimously agreed on the high rank and nobleness of the medical and healthcare professionals, as stated by Imam Shafiee, “two sorts of people are indispensable to mankind: the scholars for their religion, and the doctors for their bodies”. In addition, “The lay people have dire need for them, and they (the doctors) continuously strive to explore the unknown in knowledge and improvement of their profession, as well as their unfailing concern to make others happy and comfortable”. Thus, a healthcare practitioner should strive to excel in his/her work and seek perfection in performance while ensuring to adhere the noblest of manners which Allah (SWT) has gifted to those who fulfil people’s needs, erase their pains, and resolve their problems. Of course, there are some characteristics which need to be emphasized in order to achieve this level of nobleness in the medical and healthcare profession, among which is practicing it with dedication and excellence, as stated by prophet Mohammed (PBUH), “Verily, Allah loves that when anyone of you does a job he should perfect it”. Consequently, all healthcare practitioners should consider the patient’s right through their good behaviour and attitude.

(C) Sources of Healthcare Professional Ethics

Professional ethics and etiquettes are sourced from the glorious guidance of Islam that urges the best of manners, good performance, and understanding that Allah (SWT) observes all our deeds, as the messenger of Allah (PBUH) said, “I was sent to complete the best of manners.”

1. Professional ethics are also sourced from what people have agreed on as good manners, differing from one community to another.
2. Another source is what has been gained from other cultures, if it does not contradict with the Islamic Sharia. Finally, it could be sourced from the results of scientific research,
3. The rules upon which the profession is established.

(D) Healthcare Profession Honour

Pioneer Muslim doctors have shown much interest in professional ethics and etiquettes. Abu Bakr Mohamed Ibn Zakaria Alrazi wrote book titled “The etiquettes of the medical practitioner”, which has been referenced within other medical books. Likewise, there are those who have had their quotes written in biography like the book entitled “The News of Spring in the Ranks of Doctors”, written by Ahmed Bin Al-Qasem Bin Khalifa, also known as Ibn Abi Usaibia’. Moreover, some scholars have had a special interest in this field like Abu Abdullah Mohamed Bin Mohamed, known
as Ibn AlHaj wrote the book titled “The Entrance” in which he included the etiquettes of healthcare practitioners in a way that could be considered a concise summary of what is agreed on today. In addition, there is a huge heritage of literature on what Muslim doctors have written on ethics that you can refer to. Manners in Islam have a set of characteristics that makes them distinguished from what has been found in the systems and rulings of other civilizations. These characteristics include the following:

1. Of godly origin Islamic ethics are not a result of human efforts or temporary systems, instead they branch from the rulings of the Creator of mankind, who knows best what suits and ruins them. There have been etiquettes endorsed by the Islamic legislations, some were endorsed based on what people have agreed on as good acts, and some were left without specific mention as they were included under the general texts and interests which the Islamic Sharia strives to achieve.

2. Intended as acts of worship A Muslim is motivated by his/her faith to pursue the best of manners, as an act which brings him/her closer to Allah and seeks this to be counted as a good deed. The messenger of Allah (PBUH) said, “The faithful people with the most perfect faith, are those with the best manners”. Thus, healthcare practitioners who do not commit to their responsibilities and duties merely to preserve their reputation, achieve materialistic and social success or due to the of fear of punishment, but essentially as an act of worship to Allah SWT by being obedient to Him, following His rulings, and the path that leads to His satisfaction.

3. They are stable & applicable principles Muslim healthcare practitioner’s attitude does not change by being a person in authority or a subordinate, neither with poor/rich nor with weak/strong. He/she should treat everyone equally and courteously at all times, whether in private or public setting. The source of this stability is due to the fact that Muslim healthcare practitioners pursue these best of manners as an act of obedience to Allah (SWT) and not for their personal interests or whims.

(E) Role of Role-Models

In reality, good ethics do not pass on to the new generations only through theories; instead they pass on when senior generations share life experiences and practical situations with the younger generation and become their role-models. This will encourage them, as successors, to follow and surpass their predecessors. As a result, health college professors and every member in the healthcare team play important roles in inspiring good professional ethics by becoming excellent role-models.
Basic Principles of Medical Ethics [Global]: A, B, C, D, E and F

Physicians deal with many ethical issues on a daily basis. Fundamental ethical principles assist us in understanding, negotiating and navigating these issues. Ethical dilemmas arise when two or more ethical principles apply in a particular case and would lead to different outcomes. In these situations physicians must balance these principles to arrive at the best course of action. There are other approaches to bioethics in which other principles may apply. However, in caring for patients, it is important for physicians to understand the following fundamental ethical principles that form the basis of Western bioethics:

**Autonomy:** “Self rule”- Physicians must respect a patient’s right to make decisions regarding his medical care. Competent, informed patients have the right to choose among treatment options and refuse any unwanted medical interventions. By providing informed consent and following patients’ wishes, physicians demonstrate their respect for the patient’s autonomy.

**Beneficence:** Physicians must act in the best interests of their patients. Patients are vulnerable because of illness and lack medical expertise. Therefore, patients rely on physicians to offer sound advice and to place the their well-being first. If patients lack decision-making capacity, they need to be protected from making decisions that are contrary to their best interests. Physicians must put the interests of their patients ahead of their own interests or those of third parties such as insurers or managed care organizations.

**Confidentiality:** Physicians must maintain the confidentiality of medical information. Confidentiality respects patient autonomy and encourages patients to present for care and be candid. However, confidentiality can be overridden in order to protect third parties when there is the potential for serious, foreseeable harm to third parties. Legally mandated reporting includes certain infectious diseases like tuberculosis, loss of consciousness or child or elder abuse or domestic violence.

**Do no harm:** The principle of non-maleficence directs physicians to “do no harm” to patients. Physicians must refrain from providing ineffective treatments or acting with malice toward patients. This principle, however, offers little useful guidance to
physicians since many beneficial therapies also have serious risks. The pertinent ethical issue is whether the benefits outweigh the burdens.

**Equality:** The principle of distributive justice deals with issues of treating patients equally. Physicians should treat similarly situated patients similarly and allocate resources justly. In the face of limited health care resources, physicians should practice cost-effective medicine. Physicians should make recommendations and decisions based on ethically pertinent considerations.

**Fairness:** The principle of procedural justice requires that the process for making decisions for patients be fair and just. For example the process by which patients appeal rulings by the insurance company or by which organs are allocated must be fair and just.

**Basic Islamic Concepts and Terminology Used in the Book**

1. **Quran:**

   It is the Muslim’s holy book. The Quran was revealed to His messenger Mohammed (PBUH) through Gibril (Gabriel). All Muslim scholars have unanimously agreed that the Quran is the main source of legislation, followed by Sunnah.

2. **Sunnah and Hadith**

   Sunnah is a collective term that refers to whatever prophet Mohammed (PBUH) said, did, approved or disapproved doing, explicitly or implicitly. Generally, it usually refers to what he said, while teaching his companions. What the messenger of Allah (PBUH) said is called Hadith. The sayings of the prophet were carefully reported to narrators who documented them very well in various books. The most authentic of which are 6 books, named after the scholar (narrator) who compiled the Hadiths in each book. They are usually referred to as Sahih, which means correct or authentic. The commonly referred to Hadith books include: Bukhari, Muslim, Ibn Majah, Al-Tirmidhi, Abu Daoud, Al-Nasaie, and Imam Malik. In this book, every Hadith is translated and referenced.

   Every hadith is classified according to its degree of authenticity as follows:

   **1 a. Sahih – sound.** Imam Al-Shafi’i states the following requirements in order for a hadith to be acceptable, “each reporter should be trustworthy in his religion; he
should be known to be truthful in his narrating, he should understand what he narrates and knows how a single different expression can alter the meaning, and he should also report the wording of the hadith verbatim not only its meaning”.

b. Hasan - good: It is a hadith from a known source and unambiguous reporters.

c. Da`if - weak: It is a hadith which fails to reach the status of Hasan.

d. Maudu` - fabricated or forged: It is a hadith whose text goes against the established norms of the Prophet's sayings, or its reporters include a liar.

3. Ijtihad-

Many of the ethical dilemmas resulting from the recent developments in medicine have not been directly mentioned in the primary sources of legislation (i.e. Quran and Sunnah). Therefore, authenticated religious scholars (Ulama) have developed an intellectual methodology, known as Ijtihad, to find recommendations and religious rulings for issues which were not clearly resolved by the primary sources alone. The religious decisions are attained through various methods. For example, by reaching an unanimous agreement (Ijmaa) among the scholars, or a majority agreement (Rayoul-Jomhour). There is also the method of measurement or comparison of the new issue (being discussed) on which there has been no previous decision on a similar issue for which there was a clear decision (Qiyas).

4. The Islamic Schools of Jurisprudence (Al-Mazahib) Islam can be called an ‘evidence-based religion’. This is because its legislative rulings (Fatwas) and judgments are all based on a source, usually referred to as ‘Al-Daleel’ (the evidence). This ‘evidence’ has ranks, with the most powerful being those with a clear statement about an issue in the Quran.

There are four main schools of Islamic jurisprudence (Fiqh), each of which is referred to as ‘Mazhab’ (plural is Mazahib). Each Mazhab is named after its founding scholar, known as Imam, who developed and adopted this school (Mazhab). They are namely the Mazahib of: Abu Hanifa, Malik, Al-Shafiee, and Ahmed Ibn Hanbal. There are other scholars and Mazahib, however, the dominant Mazhab in Saudi Arabia is that of Imam Ahmed Ibn Hanbal.

5. Islamic Laws (Sharia) and Religious Rulings (Fatwa): The term ‘Sharia’ literally means ‘the law’ or ‘the ordained way’. In its general definition, it refers to the overall Islamic system for religious, moral and legal regulations related to the human life.
6. Scale of Acts Permissibility in Islam: The rule in Islamic Sharia is that all acts are permissible, unless there is evidence that changes this status of permissibility. However, not all life issues or acts have the same level of permissibility or prohibition. The following is a summary of such a scale:

a. Things that every Muslim must do are known as **Fardh**. If he/she does not do it, it is considered a sin that requires repentance.

b. Things that Muslims should have to do are known as **Wajib**. These are usually complementary deeds that are needed for Fardh.

c. Things that are preferable or recommended for Muslims to do are known as **Mustahab**. The person will be rewarded for doing these deeds but will not be considered a sinner for not doing them.

d. Things that are generally permissible are referred to as **Mubah**. There is generally no reward for doing them and there will be no punishment if not done.

e. Things that are disliked are known as **Makrooh**. A Muslim is rewarded for not doing these deeds but will also not be punished if he/she does them.

f. Things that are forbidden are known as **Haram**. A Muslim will be punished for doing such deeds and rewarded for abstaining from them.

g. Major sins are known as **Kabair Al-Zonoub**. Muslims who do these deeds will have harsher punishments. For example, alcohol ingestion, murder, adultery and backbiting are among the major sins.
References and Further Reading Resources.


